

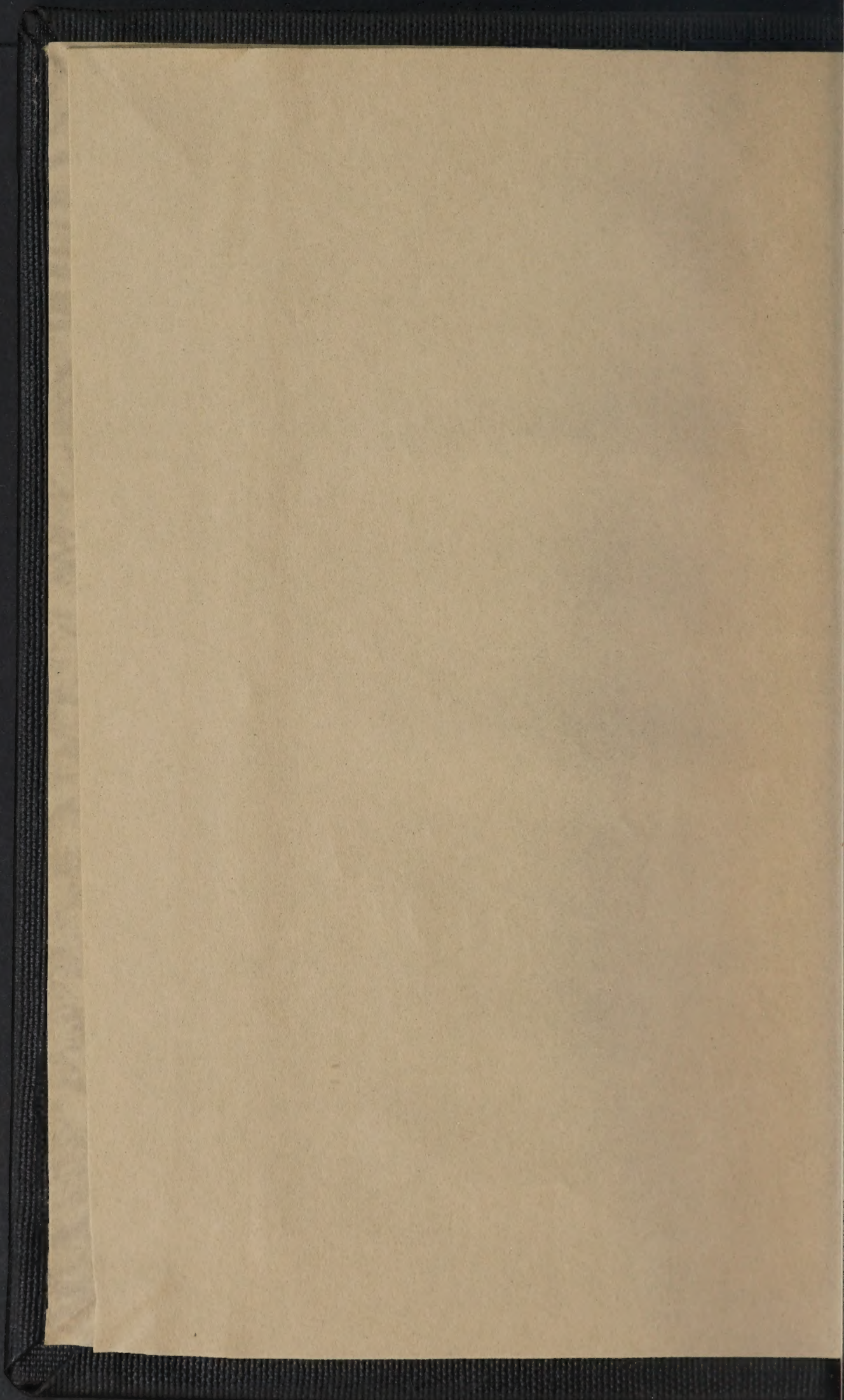
MILITIA OF BALTIMORE. BALTIMORE, 1818

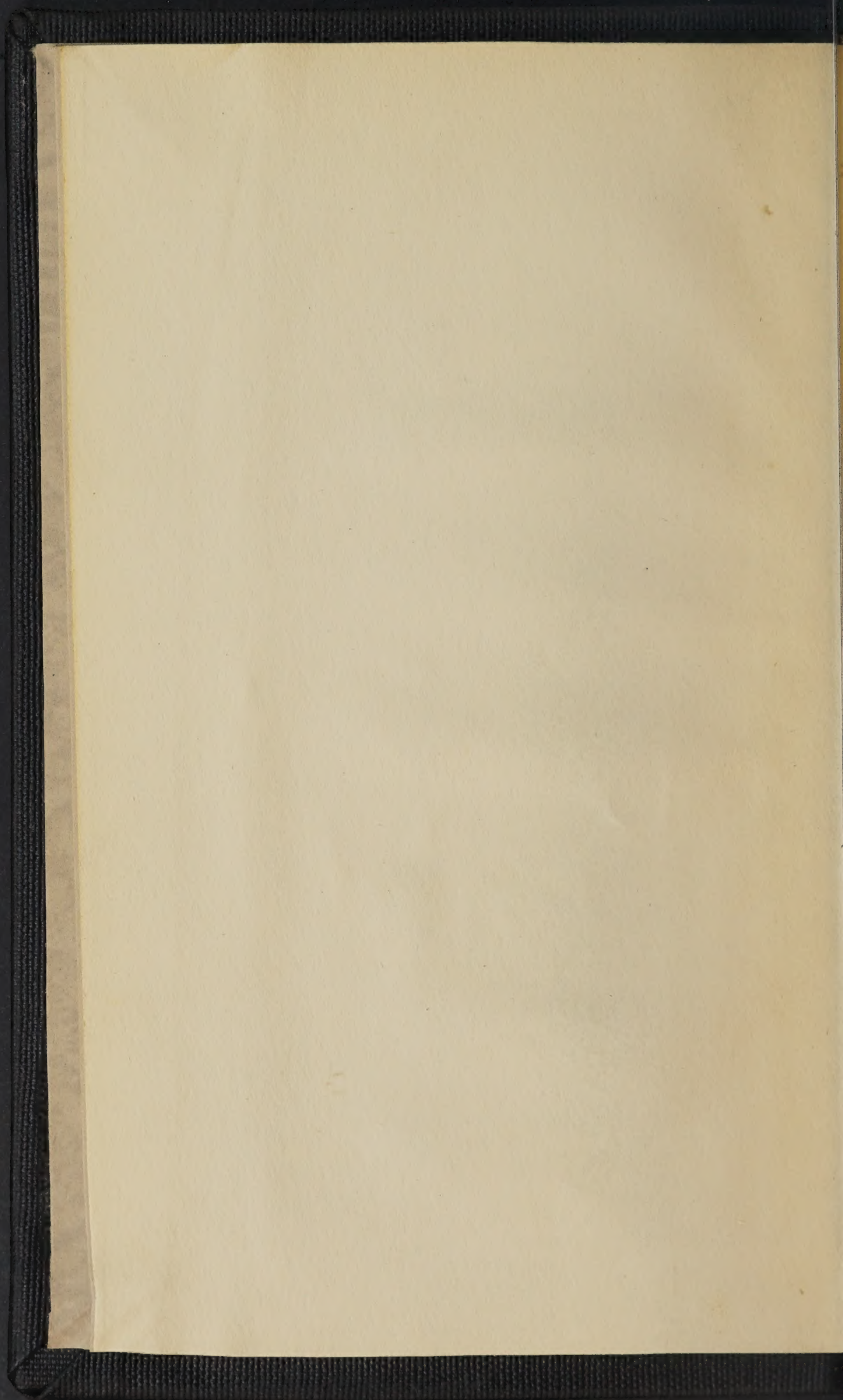






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AN ACT
FOR THE BETTER REGULATION
OF
THE MILITIA,
OF THE
CITY OF BALTIMORE,

Passed by the Legislature of Maryland, December Session, 1817.

TOGETHER WITH
AN APPENDIX,
CONTAINING ALL
THE SECTIONS OF THE ACT OF 1811, STILL IN FORCE.

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1818.

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AN ACT

FOR THE BETTER REGULATION OF THE MILITIA OF THE CITY OF BALTIMORE.

PASSED FEBRUARY 16, 1818.

1. *BE IT ENACTED by the General Assembly of Maryland,* That the inhabitants within the limits of the City of Baltimore, The 14th Brigade formed.
liable to militia duty under the laws of this state*, shall be and are hereby formed into two Brigades—and a line drawn from the north side of the Basin and extending north along the middle of Calvert-street to the extent of said limits, shall be the division line between the said brigades.

2. *And be it enacted,* That the first regiment of artillery shall be and hereby is divided, and with the addition of two uniformed volunteer companies which are hereby authorised to be raised, shall form two Regiments of artillery, to consist of six companies each, and the six eldest companies in rank, shall form the first regiment—and the six youngest companies in rank shall form the second regiment, and each regiment shall consist of two battalions, with the usual field and staff officers. Artillery divided to form 2 regts.

3. *And be it enacted,* That a new Regiment of infantry to be called the fifty second regiment, shall be, and is hereby formed with the usual field and staff officers. 52nd regiment formed.

4. *And be it enacted,* That the third brigade shall consist of the fifth, sixth and twenty-seventh regiments of infantry. The first regiment of artillery, the first extra battalion of riflemen, and the fifth regiment of cavalry, and the districts composing said brigade shall be all that part of the limits of the said City on the north of the basin and to the east of said dividing line— Limits.

And the thirty-ninth, fifty-first and fifty-second regiments of infantry, the second regiment of artillery, shall be, and are hereby formed into a new brigade to be called the fourteenth brigade, to be commanded by a brigadier general with the usual field and staff officers, and the districts composing said brigade, shall be all that part of the limits of the said city on the south side of the basin, and to the west of the said dividing line, to which brigade there shall be attached an extra battalion of riflemen to be called the second battalion of riflemen, and to consist of four companies to be commanded by a major and the proper complement of officers, and that persons residing within any part of the city of Baltimore may be enrolled in the said companies. 14th brigade, Limits. 2nd rifle battalion formed.

5. *And be it enacted,* That the brigadier generals of the said brigades, together with the field officers thereof, or a majority of them, be and they are hereby authorised to review the division of the said brigades herein made, and to alter the said division whenever it shall appear to them necessary and proper to be done, and such alterations shall be forthwith made publick by brigade orders, and by the said brigadier generals be returned to the adjutant general's office, to be there preserved, provided Brigades may be otherwise divided.

* See Appendix, for exempts.

- Proviso.** however, that the division herein before made, or any which may be hereafter made, shall not impair the privileges of uniformed volunteer corps, as herein after granted.
- Enrolment of company districts.** 6. *And be it enacted*, That it shall be the duty of every commanding officer of a company district, attended by one or more of his commissioned officers, to enroll between the first days of March and April in each year, every able bodied white male citizen between eighteen and forty-five years of age, liable to do militia duty, and if either of the said officers shall refuse or neglect to comply therewith, he shall be cashiered or fined not exceeding one hundred dollars in the discretion of such court martial as the case may require ; and in all cases of doubt respecting the age of any person enrolled, or intended to be enrolled, the person whose age is questioned, shall prove the same to the satisfaction of the commanding officer aforesaid ; and if any person called on to be enrolled, shall refuse to declare his true name and age, to the best of his knowledge, or the name of any person, an inhabitant of his house liable to militia duty with whom he is acquainted, he shall for each offence forfeit and pay the sum of ten dollars, to be recovered under the direction of said commanding officer.
- Penalty for neglect of duty.**
- Penalty for denying age or residence.**
- Parades established.** 7. *And be it enacted*, That the militia composing the said brigades, shall assemble for militia duty on the days hereinafter mentioned, and as herein directed, viz.
- Cavalry.** The cavalry, on the second Monday in April, second Monday in May, second Monday in June, twelfth of September, first Monday in October, and first Monday in November.
- 1st regt. Artillery.** The first regiment of artillery, on the second Tuesday in April, second Tuesday in May, second Tuesday in June, twelfth of September, first Tuesday in October, and first Tuesday in November.
- 5th regt. Infantry.** The fifth regiment on the second Wednesday in April, second Wednesday in May, second Wednesday in June, twelfth of September, first Wednesday in October, and first Wednesday in November.
- 6th regt. Infantry.** The sixth regiment, on the second Thursday in April, second Thursday in May, second Thursday in June, twelfth of September, first Thursday in October, and first Thursday in November.
- 27th regt. Infantry.** The twenty-seventh regiment, on the second Friday in April, second Friday in May, second Friday in June, twelfth of September, first Friday in October, and first Friday in November.
- 1st rifle bat.** The first rifle battalion, on the third Monday in April, third Monday in May, third Monday in June, twelfth of September, second Monday in October, and second Monday in November.
- 2nd regt. Artillery.** The second regiment of artillery on the third Tuesday in April, third Tuesday in May, third Tuesday in June, twelfth of September, second Tuesday in October and second Tuesday in November.
- 39th regt. Infantry.** The thirty-ninth regiment, on the third Wednesday in April, third Wednesday in May, third Wednesday in June, twelfth of September, second Wednesday in October, and second Wednesday in November.
- 51st regt. Infantry.** The fifty first regiment, on the third Thursday in April, third Thursday in May, third Thursday in June, twelfth of September, second Thursday in October and second Thursday in November.

The fifty-second regiment, on the third Friday in April, third Friday in May, third Friday in June, twelfth of September, second Friday in October and second Friday in November.

The second extra battalion of riflemen, on the third Saturday in April, third Saturday in May, third Saturday in June, twelfth of September, second Saturday in October and second Saturday in November.

And the *first*, *second* and *sixth* parades as herein established, respectively, shall be considered as *company* parades; the THIRD as BATTALION parades; the FOURTH as BRIGADE parades; and the FIFTH as REGIMENTAL and EXTRA BATTALION parades, and the said several company and battalion parades, shall be at *two* o'clock P. M.; and the said regimental, extra battalion, and brigade meetings, at *eight* o'clock in the forenoon in each year, unless prevented by the badness of weather, or the twelfth of September happening on Sunday; in either case the parades thereby prevented, shall take place at the same hours respectively, on such other days as the commanding officer of the brigade, regiment or extra battalion so prevented, shall from time to time order and appoint; of which three days publick notice shall be given by such commanding officer, in three or more newspapers of the City of Baltimore, and such notice shall be deemed sufficient; and the courts martial instituted for the trial of non-commissioned officers, privates and musicians as absentees from parade, shall be held on the second Monday after each parade herein directed, at the place and time which shall have been previously established by the commanding officer of each regiment, or extra battalion respectively, as herein after provided.

8. *And be it enacted*, That it shall be the duty of the commanding officer of each company district, at the time of making the enrollment aforesaid, to deliver to each person, or leave at his residence, a printed notification signed by said officer, and directed to said person, setting forth the enrollment, and stating the times and places of parade, throughout the year, as established by this act, as well as the times and places of holding the courts martial for the trial of absentees from parades; and it shall be the duty of the said commanding officer, to cause the said enrollment to be entered on his company book, and make a true return of the same in writing between the first and tenth of April in each year to the commanding officer of his regiment or extra battalion, under a penalty to be imposed by such court martial as the case may require, of not less than five nor more than fifty dollars, for any neglect of the duties prescribed by this section; and the commanding officer of each volunteer uniformed company shall notify the members of his company of the times and places of parade, and of the times and places of holding courts-martial throughout the year, established as aforesaid, by causing to be delivered to them, or left at their place of abode, on or before the first day of April in each year, a printed notification, setting forth the same; or in such other manner as the by-laws of said company may direct; and he shall make a return in each year, of the persons belonging to his company, at the time and in the manner as company district officers are directed to do in the preceding part of this section, under the like penalty.

52nd regt. Infantry.

2nd rifle Bat.

Company parade.

Battalion parade.

Brigade parade.

Reg. & Ex. Bat. parade.

Hour of parade.

Notice of altering parade.

Courts-martial to be held.

Notice of parade and courts-martial, to be served.

Enrolment to be entered on company books. Return.

Penalty for neglect.

Volunteer companies.

By-laws to be observed.

Exempts.

Surgeon's certificate.

Brigadier general to call a meeting of officers to fix regimental bounds.

To fix company bounds.

Bounds may be altered.

Fine for neglect.

All companies to meet at the same place, and formed into regt. or ex. battalion.

Corps to be exercised, formed into regiments and dismissed.

9. *And be it enacted,* That no person enrolled in either of the said brigades, shall be excused from militia duty on account of corporal disability, unless he produces to the commanding officer of the regiment, or extra battalion, within whose district he shall reside, a certificate of the surgeon of such regiment, or extra battalion, if any, and if not, of some practising physician of the city of Baltimore, stating that he has carefully examined such person, and that he is, in the opinion of said surgeon or physician, incapable of performing militia duty, by reason of some bodily infirmity; and the commanding officer of the regiment, or extra battalion, as aforesaid, shall forthwith exempt, in writing, said person, for such a period of time as in his opinion the certificate of said surgeon or physician will justify.

10. *And be it enacted,* That the brigadier general of each brigade is hereby required to order a meeting of the colonels, lieutenant colonels and majors, within his brigade, previous to the first of March next, at some convenient place, who, or a majority of them, shall revise and fix the bounds of his regimental and battalion districts; and each of the said brigadiers shall, as soon thereafter as may be, make return, in writing, of such arrangement of bounds, to the adjutant general's office, to be therein preserved. And the commanding officer of each regiment, battalion and extra battalion, within the said brigades, is hereby required to order a meeting of the company officers within their several districts, previous to the first of March next, at some convenient place, who, or a majority of them, shall revise and fix the bounds of their several company districts; and the said commanding officers of regiments, battalions and extra-battalions, shall forthwith make return thereof, in writing, to the brigade inspectors, respectively, to be by them recorded; and the said several districts shall be altered or arranged in like manner, and under the same penalties, whenever the said officers shall respectively deem it necessary for the greater convenience of those liable to militia duty, and returns thereof made as in this section heretofore directed; and in case either of said officers shall neglect or refuse to execute the duties required in this section, he shall be fined not exceeding one hundred dollars, in the discretion of such court-martial, as the case may require.

11. *And be it enacted,* That the companies of each regiment and extra battalion shall have their meetings respectively, for exercise and parade, as prescribed by this act, at the same place where they shall be formed into regiment or extra battalion, as the case may be, and marched to the place of exercise and parade; and on the days established under this act for brigade, regimental, extra battalion, or battalion parades, they shall be delivered over by the commanding officers of regiments and extra battalions, to the commanding officer of brigade, regiment, extra battalion, or battalion, as the case may be, who shall exercise, or cause the same to be exercised; and on the days established by this act for company parades, they shall, in like manner, be delivered over to the commanding officers of companies, who shall exercise, or cause the same to be exercised, under the direction and superintendence of the said commanding officers of regiments, or extra-battalions, as the case may be; and in either case when the duties of the day shall be

finished, they shall be formed into regiment or extra-battalion, as the case may be, and being marched to the place of assembling, shall be dismissed; and if any officer shall neglect or refuse to comply with the provisions of this section, he shall be cashiered, or fined a sum not exceeding one hundred dollars, in the discretion of such court-martial, as the case may require. Officers fined for neglect.

12. *And be it enacted*, That at all the meetings directed by this act, the commanding officers of each company shall appoint a fit and proper person, who shall, at the end of half an hour after the time appointed for said meetings, call over the muster roll of the company, noting those who are absent; and within two days thereafter shall make return, in writing, of such absentees, to the commanding officer of his company; and the said commanding officer shall, within three days thereafter, cause the same to be entered on his company book, and transmitted to the commanding officer of his regiment, or extra-battalion, together with a consolidated return of the strength of his company, which shall be entered on the books of the regiment; and the commanding officer of each regiment, or extra battalion, shall in like manner cause the names of all the commissioned and staff officers to be called over by the adjutant, or such other person as he may appoint, who shall note those who are absent, and within two days thereafter shall make a return, in writing, of such absentees, to the commanding officer of his regiment, or extra battalion; and the said commanding officer shall, within ten days thereafter, cause the same to be entered on his regimental or extra battalion book, and transmitted to the commanding officer of the brigade to which he belongs, together with a consolidated return of the strength of his regiment or extra battalion, which shall be entered on the books of the brigade; and if any of said officers shall neglect or refuse to execute the duties required by this section, he or they shall be fined not more than fifty dollars, in the discretion of such court-martial as the case may require. Roll to be called. Returns: Officers names to be called. Returns: Fine for neglect.

13. *And be it enacted*, That if any commissioned officer, whose duty it shall be to attend, shall refuse or neglect to attend any of the meetings prescribed by this act, he shall be fined at the discretion of the court-martial instituted for the purpose of trying such absentees from parade, not less than five dollars, nor more than fifty dollars, for every offence; and if any person belonging to the militia, whose duty it shall be to meet and muster under the provisions of this act, shall neglect or refuse to attend any of said meetings, or shall depart from parade without being duly discharged, such person, if a non-commissioned officer, private, or musician, shall be fined, at the discretion of the court-martial instituted for the purpose of trying such delinquents from parade, a sum not less than fifty cents, nor exceeding five dollars. Officers fined for not attending parade. Privates fined.

14. *And be it enacted*, That the commanding officer of each regiment or extra battalion, shall, within five days after each parade as directed by this act, appoint the court-martial for the trial of such non-commissioned officers, privates and musicians, as were absent from said parade; and he shall, at the same time, transmit a list of absentees to the said court-martial; and in case any delinquent, being duly notified of the time and place of meeting of any such court-martial, in the Regimental and ex. bat. courts-martial to be appointed to try absentees.

manner as prescribed by this act, shall refuse or neglect to attend, the said court-martial is authorised and empowered to proceed to the trial of such delinquent, as if he was personally present; and the officer neglecting or refusing to comply with either of the provisions of this section, shall be fined not exceeding fifty dollars, in the discretion of such court-martial as the case may require.

Brigade courts-martial to try absentees.

15. *And be it enacted*, That the commanding officer of each brigade shall, on or before the 15th of July in each year, appoint the court-martial for the trial of all commissioned and staff officers of his brigade who were absent from the parades up to that period, as directed by this act; and he shall at the same time transmit the lists of absentees to the said court-martial, which shall meet on the last Monday in said month; and the said commanding officer of each brigade shall, on or before the 20th of November in each year, appoint the court-martial for the trial of all commissioned and staff officers of his brigade who were absent from the parades, as directed by this act, subsequent to those mentioned in the preceding part of this section; and he shall at the same time transmit the lists of absentees to the said court-martial, which shall meet on the first Monday in December; and it shall be the duty of the brigade majors respectively, to notify such absentees, in writing, of the time and place of holding said courts, or cause such notice to be left at their place of abode, at least three days previous thereto; and in case any absentee, notified as aforesaid, shall refuse or neglect to attend, the said courts-martial are authorised and empowered to proceed to the trial of such absentees as if they were personally present; and if either of the said officers shall refuse or neglect to comply with either of the provisions of this section, he shall be fined not less than five nor more than one hundred dollars, in the discretion of such court-martial as the case may require.

Courts-martial to consist of. To try privates, &c.

16. *And be it enacted*, That the courts-martial to try all non-commissioned officers, privates and musicians, as absentees from parade, shall consist of one member from each company of a regiment or extra battalion, one-third of whom at least shall be privates.

To try commissioned & staff officers for absence.

17. *And be it enacted*, That the courts-martial to try all commissioned and staff officers of either brigade, as absentees from parade, shall consist of an officer from each regiment and extra battalion, of the same brigade, one-third of whom at least shall be subalterns.

Division courts-martial to try brigadiers for neglect.

18. *And be it enacted*, That every division court-martial shall be appointed by the commanding officer of the division, and shall consist of not less than five nor more than thirteen members, two-thirds of whom at least shall be field officers, who shall have the power to try the commanding officers of the brigades for all violations of this act.

Brigade courts-martial to try field and brigade staff officers for offences.

19. *And be it enacted*, That every brigade court-martial shall be appointed by the commanding officer of the brigade, and shall consist of not less than five nor more than thirteen members, one-third at least of whom shall be field officers, who shall have the power to try all field, and brigade staff officers, for all violations of this act, other than absence from parade.

20. *And be it enacted*, That every regimental court-martial shall be appointed by the commanding officer of the regiment,

and shall consist of not less than three nor more than seven commissioned officers, who shall have power to try all company, regimental and extra battalion staff officers for all violations of this act, other than absence from parade.

Regimental courts-martial to try company officers for offences.

21. *And be it enacted*, That every extra battalion court-martial shall be appointed by the commanding officer of the extra battalion, and shall consist of not less than three, nor more than seven commissioned officers, who shall have power to try all company officers for all violations of this act, other than absence from parade. Every company court-martial shall be appointed by the commanding officer of the company, and shall consist of one subaltern, one non-commissioned officer, and one private, who shall have power to try all non-commissioned officers and privates for all violations of this act, other than absence from parade; and in case there should be no subaltern or non-commissioned officer attached to said company, then the commanding officer of the company shall apply to the commanding officer of the battalion, regiment or extra battalion, to which he may be attached, who shall, within five days after such application, order a commissioned or non-commissioned officer, or both, as the case may require, of a neighbouring company, to repair to a convenient place designated by the commanding officer of the company, in whose district the delinquent resides, who shall then and there hold a court-martial in the same manner as if they were attached to said company.

Extra battalion courts-martial.

Company courts-martial.

22. *And be it enacted*, That the lieutenant colonels and majors of the several regiments and extra battalions, in each of the said brigades, shall be and they are hereby constituted a court of inquiry, for their respective brigades, the eldest of whom in commission shall be the president thereof, who shall meet on the second Monday in January in each year, at such time and place as may be established by the brigade major of each brigade respectively, who shall notify the said officers thereof, at least three days previous to said meeting, under a penalty to be imposed in the discretion of a brigade court-martial, not exceeding fifty dollars; and it shall be the duty of the commanding officers of the brigades, regiments, extra battalions and companies, to lay, or cause to be laid, their respective books of proceedings, for the preceding year, before said courts of inquiry, respectively, under a penalty to be imposed by such court-martial, as the case may require, of not exceeding fifty dollars; and the said courts of inquiry are hereby directed to investigate the proceedings of each commanding officer within their brigade as aforesaid, and if they should find that any of them have in any manner infringed or neglected or refused to comply with the provisions of this act, they shall forthwith report the same to the officer competent to order such courts-martial as the nature of the offence may require, and the said officer shall forthwith order such court-martial, under a penalty for neglect or refusal to comply therewith, of not exceeding fifty dollars, to be imposed by such court-martial, as the case may require.

Courts of inquiry.

Time of meeting. Brigade major to give notice.

Penalty.

To examine the proceedings of officers.

Returns of neglect.

23. *And be it enacted*, That in every court-martial, or other court created under this act, except company courts martial, a majority of the members appointed on the court shall be sufficient to form a quorum, and in every court-martial not less than two thirds of the members present must agree in every sentence

Courts-martial- a majority forms a quorum.

Two thirds must agree, except in case of fines.

for inflicting any penalty, otherwise the person charged shall be acquitted, except in case of fines, where a majority shall be sufficient.

Presidents of
Courts-martial
may issue sub-
poenas, to wit-
nesses who must
attend—Penal-
ty for neglect.

24. *And be it enacted*, That the president of every court-martial, or other court created under this act, shall have power and authority to issue subpoenas to procure the attendance of witnesses to give testimony before such respective courts; and every such court shall have power and authority to issue attachment, directed to such person or persons who shall neglect or refuse, on being served with a summons issued by the president of such court to attend, and to enforce such attendance, by such person as they may appoint therefore, for the purpose of giving evidence in any cause therein pending; and fine such person any sum not exceeding twenty dollars, unless he can give a reasonable excuse; the return of which fine shall be made to the officer ordering said court, in the same manner, and within the same time, as other fines are directed by this act.

Witnesses must
declare on oath
or affirmation.

25. *And be it enacted*, That the president of each court-martial, or other court created under this act, shall require all witnesses produced on the trial of offenders, to declare on oath, or affirmation, (as the case may be) that the evidence they shall give shall be the truth, the whole truth, and nothing but the truth; and the members of all such courts shall take an oath or affirmation, which the president is required to administer to them, as follows: "You, and each of you, do swear or affirm, (as the case may be) that you will well and truly try and impartially determine, all causes to be tried by this court, according to the rules for regulating and governing the militia within the limits of the city of Baltimore; so help you God;" and the president shall take the same oath, to be administered by any member of the court as aforesaid.

Officers must
serve on courts-
martial—Penal-
ty for neglect.

26. *And be it enacted*, That any officer required to attend as a member of a division, brigade, regimental, extra-battalion, or company court-martial, or any other court as established under this act, who shall refuse or neglect to attend at the time and place appointed, shall be fined not exceeding one hundred dollars by said court, unless he can give a reasonable excuse for such non-attendance; and any non-commissioned officer or private required to attend as a member of any such court, who shall neglect or refuse to attend at the time and place appointed, shall be fined not exceeding five dollars by said court, unless he can give a reasonable excuse for such non-attendance; which said fines shall be returned for collection to the officer ordering said courts-martial, except in the cases of division courts-martial, and courts of inquiry, where the fines shall be returned to the commanding officer of the brigade, to which the offender belongs, in the same manner, and within the time, as is directed by this act for the return of other fines.

Fine of privates,
&c. for not serv-
ing on courts-
martial.

Absentees from
parade may be
excused.

27. *And be it enacted*, That each court-martial may acquit any delinquent by them to be tried, upon its appearing to such court-martial that sickness, or some such sufficient excuse, was the cause of the violation of this act, for which such person is called to trial, provided that business is not admitted as cause of acquittal; and the officer ordering the court-martial for the trial of offences under this act, or his successor in authority, shall, where a fine shall be adjudged by such court-martial, have full power and authority to remit the same, in those cases only

Fines remitted.

where the delinquent did not attend the court-martial, and can prove to the satisfaction of said officer that sickness, or some such sufficient cause, other than business, prevented his attending the parade, as also the court-martial.

28. *And be it enacted*, That the brigadier general of each of the said brigades, shall, on or before the first day of July next, and from time to time thereafter as may be necessary, appoint some suitable person, on such terms as he shall deem advisable, to collect all fines that may be imposed under this act upon all commissioned officers of his brigade; and the commanding officer of each regiment and extra battalion, shall, on or before the first of April next, and from time to time thereafter as may be necessary, appoint some suitable person, on such terms as he shall deem advisable, to collect all fines that may be imposed upon non-commissioned officers, privates and musicians, of their regiment, or extra battalion, respectively, or on other persons under the provisions of this act; and if either of the officers aforesaid shall neglect or refuse to comply with the provisions of this section, he shall be fined a sum not exceeding one hundred dollars, in the discretion of such court-martial, as the case may require.

Collectors to be appointed.

29. *And be it enacted*, That the president of each court-martial to try absentees from parade, and also the president of each and every brigade, regimental, extra battalion, and company court-martial, shall within three days after the passing of any sentence of such court, return such sentence, in writing, to the commanding officers of the brigade, regiment, extra battalion or company, ordering the same, with a list of the fines imposed by such sentence, under a penalty not exceeding fifty dollars, to be imposed by such court-martial as the case may require, for every neglect or refusal to make such return; and it shall be the duty of such commanding officer, and he is hereby required, under a penalty not exceeding fifty dollars, to be imposed by such court-martial as the case may require, for every neglect and refusal, to make out or cause to be made out two copies of every such list, to retain one himself, and deliver the other to the collector for his brigade, regiment, extra battalion or company, as the case may require, within ten days after receiving it, to be by him collected as herein after provided; and when collected, shall account for, with, and pay over to, the commanding officers by whom the said lists were respectively placed in his hands; or their successors in office, provided the same shall be done subject to such deduction for commission, and other regulations, as may have been established with the officers authorised by this act to appoint such collector.

Presidents of courts-martial to make returns.

Fines of officers to be collected—and paid over.

30. *And be it enacted*, That the president of each court-martial instituted for the purpose of trying a brigadier general for any violation of this act, shall make a return of the sentence imposed by said court, in the same manner, and within the time as specified under this act for similar returns, except that where a fine is imposed, the return shall be made to the eldest colonel in rank of the brigade to which he belongs, who shall place the same in the hands of the collector appointed to collect all fines and forfeitures against commissioned officers of his brigade, and when received, shall be paid over by said colonel, in equal portions, to the different regiments and extra battalion of the said brigade.

Returns of fines &c. against brigadier generals.

To be collected.

31. *And be it enacted,* That all fines imposed by this act, of by the courts-martial for the trial of commissioned officers as absentees from parade, as well as those imposed by division, brigade, regimental, extra battalion, courts-martial, and courts of inquiry for other offences, shall be paid over by the officers receiving the same, within five days after such receipt, to the paymaster of the regiment or extra battalion in which they were collected; and all fines imposed by the courts-martial for the trial of non-commissioned officers, privates and musicians, as absentees from parade, as well as those imposed by company courts-martial for other offences, shall be paid over by the commanding officers receiving the same, within five days after such receipt, to their respective paymasters of regiments and extra battalions; provided, that in the uniformed volunteer regiments, and extra battalion, one half of the fines collected from each company, and its officers, shall be paid over to the commanding officer of the company from which they were collected, for the use of said company; and in case of neglect or refusal of any of the said officers to execute the provisions of this section, he or they shall be fined not exceeding one hundred dollars, in the discretion of such court-martial as the case may require.

Paymasters to receive all fines.

Except of uniformed companies.

32. *And be it enacted,* That no commander of an uniform volunteer company shall command a company district; and the fifth regiment, the regiments of artillery and cavalry, and the battalions of riflemen, shall be and are hereby authorised to keep up their respective complements of men, by the enrollment of volunteers from the different districts within the limits of the said brigades.

Uniformed companies may enrol from any district.

33. *And be it enacted,* That it shall and may be lawful for any person above the age of twenty-one, or between the age of eighteen and twenty-one, with the consent of their parent or parents, guardian, master or mistress, to join any uniformed volunteer company willing to receive him as a member thereof; and a majority of any such uniformed volunteer company shall have power to determine and declare what and how many days of training they will have throughout the year, over and above the days herein before appointed for their exercise and training, notice whereof shall be given to such company, by the commanding officer thereof; and to impose and inflict such fines and penalties on any member of such company who may refuse or neglect to attend on such stated extra days of meeting, as may be fixed and agreed on by the by-laws of such company; provided that no fine or forfeiture, for any one violation of the by-laws of such company, shall exceed ten dollars; which fines and forfeitures shall be collected in the manner as is herein after directed, for the use of the company, by a constable, or other suitable person appointed for that purpose by the commanding officer of the company; and provided that no part of the by-laws of said uniformed volunteer company shall infringe or be inconsistent with this act, or the laws of the state.

Who may join uniformed companies.

A majority may appoint extra days for training. By-laws to be enforced.

Proviso.

34. *And be it enacted,* That whenever a number of men not less than forty-eight, shall have associated themselves into an uniformed volunteer company, with an intention of joining a regiment, or extra battalion, in which there may be a vacancy, they shall report themselves to the commanding officer of said regiment, or extra battalion, who shall forthwith consult his

New companies may be admitted in uniformed corps.

next two eldest officers in rank, on the expediency of admitting said company into their regiment, or extra battalion; and if there shall be a vacancy of a company in such regiment or battalion, and the said officers, or a majority of them, shall be willing to receive the company, so applying, the commanding officer of said regiment, or extra battalion, shall thereupon inspect, or cause his adjutant to inspect the said company, and upon its appearing that they have complied with the provisions of this act, he shall forthwith apply to the governor and council for commissions for proper persons to command said company, to be attached to said regiment or extra battalion.

Governour and Council may commission officers.

35. *And be it enacted*, That the brigadier generals of the said brigades, with such other officers as they may select, one of whom shall be taken from the cavalry, riflemen, artillery, and infantry, respectively, or a majority of them shall, on or before the first day of April next, devise and establish a complete uniform for the different commissioned and staff officers, and for the non-commissioned officers, privates and musicians, of cavalry, riflemen, artillery and infantry, respectively, of the said brigades, and shall submit the same to the governor of the state, and the major general commanding the division, for their revision and approbation; and such uniform, if approved by them, shall be established for the said brigades; and in case either of the said brigadiers, or of the officers so selected, shall neglect or refuse to execute the provisions of this section, he or they shall be fined, not exceeding one hundred dollars, in the discretion of such court-martial as the case may require.

Uniform to be established.

36. *And be it enacted*, That all volunteer and district companies that may hereafter be uniformed, shall adopt the uniform of the brigades to be established under this act; and the brigadier generals, the field and staff officers, the company district officers, and all the uniformed volunteer and district companies, who have at present a different uniform, shall within four years adopt the uniform of the brigades which shall be established under this act; and if any officer shall neglect or refuse to uniform agreeably to the provisions of this section, he shall be cashiered, or fined not exceeding fifty dollars, and a further sum of fifty dollars for the like neglect for every succeeding parade, in the discretion of such court-martial as the case may require; and the commanding officer of any such company shall forthwith erase from his muster roll the name of each member who shall neglect or refuse to adopt said uniform, within the time as herein specified, and hand his name over to the commanding officer of the regimental district in which he resides, to be enrolled, under a penalty not exceeding twenty dollars, to be imposed by such court-martial as the case may require.

Uniformed corps and officers must adopt the established uniform.

Penalty for neglect.

37. *And be it enacted*, That each general, field or staff officer, or district company officer, holding a commission, and not uniformed, who shall not within three months after the passage of this act; and each general, field or staff officer, or district company officer, who may hereafter be appointed under this act, and accepting the same, who shall not within twenty days after such acceptance, arm, accoutre, and provide himself with the uniform of the brigade established under this act; if a company officer, he shall be cashiered or fined not exceeding twenty dollars, in the discretion of such court-martial as the case may require, for such neglect, and a further sum of not exceeding

Officers must arm and accoutre themselves.

Penalty for neglect.

twenty dollars for the like neglect for every succeeding parade; and if a general, field, or staff officer, he shall be cashiered, or fined not exceeding fifty dollars, in the discretion of such court-martial as the case may require, for such neglect, and a further sum not exceeding fifty dollars for the like neglect, for every succeeding parade.

Members of volunteer corps must uniform or be dismissed.

38. *And be it enacted*, That no person shall be allowed to continue a member of an uniformed volunteer company who does not uniform himself on or before the first day of May next, or within thirty days after he becomes a member of said company; and the commanding officer of such company shall erase the name of each person from the muster roll of his company, who does not comply with the provisions of this section, and report him forthwith to the commanding officer of the regimental district where he resides, under a penalty, for neglect or refusal, not exceeding twenty dollars, to be imposed in the discretion of such court-martial as the case may require.

Officers fined for not reporting them.

Artillery, Infantry and rifle volunteer companies, must have 48 men uniformed, &c. Cavalry must have 30 men.

39. *And be it enacted*, That no uniformed volunteer artillery, infantry, or rifle company, shall continue, which has not at least forty eight men completely uniformed and equipt; and no uniformed volunteer cavalry company shall continue which has not at least thirty men completely uniformed and equipt; and if, from the returns, or other good authority, the commanding officer of either of the said brigades, shall at any time suspect that any company in his brigade has not such complement, he shall investigate, or cause the fact to be investigated; and if it shall be established to his satisfaction that said company has not the requisite number of men, he shall forthwith report the same to the governor and council, who shall thereupon revoke the commissions of said company; and the commanding officers of the regiment, or extra battalion, to which such company was attached, shall within ten days after such revocation, transmit a list of the names of the members of said company to each of the commanding officers of the regimental districts within the brigades, who shall forthwith cause the same to be delivered to their respective officers commanding company districts, with an order to enroll such as reside within their district; and if either of the said officers shall neglect or refuse to comply with the provisions of this section, he shall be fined, not exceeding fifty dollars, in the discretion of such court-martial as the case may require; and no cavalry uniformed company shall consist of more than sixty men; no rifle uniformed volunteer company shall consist of more than one hundred men; no artillery uniformed volunteer company of more than ninety men; and no infantry uniformed volunteer company of more than one hundred men, exclusive of the commissioned officers of each.

Governour and Council may revoke commissions.

Members returned to militia districts.

Officers fined for neglect.

Uniformed companies limited.

Certificates of membership to be issued.

40. *And be it enacted*, That all certificates of membership issued by the commanding officers of uniformed volunteer companies shall be signed by the said commanding officer and one of his commissioned officers, and said certificates shall be delivered on or before the first day of March in each year to such persons as may then compose his company, and to such as may join thereafter, upon the day of their becoming members, and all such certificates shall be respected by the officers commanding company districts, as well as all courts-martial held for the trial of absentees from parade from their date, and for the period for which they were given; unless sooner revoked by

the commanding officer of said company; and if any commissioned officer shall issue such certificate to any person, who is not entitled under the provisions of this act to receive the same, he shall be cashiered or fined not exceeding one hundred dollars, in the discretion of such court-martial as the case may require; and if any person shall give such certificate who is not authorised to do so by the provisions of this act, such person shall forfeit and pay the sum of fifty dollars, the recovery of which shall be directed by any officer discovering the same.

41. *And be it enacted*, That the commanding officer of each company shall appoint and dismiss, at his pleasure, his non-commissioned officers, and if any person so appointed, having accepted of such appointment, shall neglect to do the duties thereof, or refuse or neglect to obey the orders of his superior officers, he shall forfeit and pay a sum not less than one dollar nor exceeding ten dollars, in the discretion of such court-martial as the case may require.

Non-commissioned officers to be appointed.

42. *And be it enacted*, That if any field or other commissioned officer shall be guilty of any breach of orders, or shall at any brigade, regimental, extra battalion, battalion, or company meeting, or on any other occasion when the brigade, regiment, extra battalion, battalion or company, to which he may belong, or in or over which he holds a command, is paraded, or on duty, as prescribed in this act, or in the by-laws of any company, shall misbehave, demean himself, or appear in an unofficer like manner, he shall, for such offence, be cashiered, suspended, reprimanded, or punished by fine, in the discretion of such court-martial as the case may require, not exceeding one hundred dollars, nor less than five dollars; and that the proceedings of every court-martial in case of cashiering, shall be transmitted to the commander in chief for his approbation or disapprobation: and if any non-commissioned officer, private or musician, shall at the time of parading the company, (as directed by this act, or in the by-laws of the company to which he belongs) appear drunk, or disobey orders, or use any reproachful, insulting, or abusive language, to his officers, or any of them, or shall quarrel himself, or promote any quarrel among his fellow soldiers, or interrupt them in the discharge of their duty, he may be disarmed, and put under guard, by order of the commanding officer, until the company is dismissed, and shall be fined, at the discretion of such court-martial as the case may require, a sum not exceeding twenty dollars; and if on field days, or when the brigade, regiment, or extra battalion, is paraded, any non-commissioned officer, private or musician, shall use any reproachful or insulting language to the commanding officer, oppose his orders, or promote an opposition to such orders among his fellow soldiers, he shall be disarmed and put under guard, during such parade, and he shall be tried by a court-martial, chosen by the commanding officer, consisting of three commissioned officers, attached to the regiment or extra battalion to which such offender belongs, and he shall be fined a sum not exceeding fifty dollars, in the discretion of said court.

Officers not to misbehave or be guilty of any breach of orders.

Punishment.

Non-commissioned officers and privates not to misbehave or disobey orders.

Punishment.

Further punishment.

43. *And be it enacted*, That if any by-stander shall interrupt, molest or insult, any officer, or soldier while on duty, at any time as required by this act or by the by-laws of any company, the commanding officer, at the time of such offence, may

By-standers not to offend, at parades or courts-martial.

cause the offender to be confined for the day, and he shall also be fined not exceeding fifty dollars, in the discretion of a court-martial to be appointed by such officer, to consist of three members, one of whom at least shall be a commissioned officer, which court shall proceed on such trial in the like manner as other courts-martial for imposing fines, under this act, and if the like misconduct shall take place before any court of inquiry, or court-martial, towards any officer or soldier, or other person required to attend such court, or towards such court, or any member thereof, the said court of inquiry, or court-martial, may cause such offender to be confined for the day, and may fine him not exceeding fifty dollars; and the returns thereof for collection shall be made as other fines imposed by such courts.

Officers, &c.
removing,

44. *And be it enacted*, That any commanding officer removing out of the limits of the city of Baltimore, or if a cavalry or field officer, or brigadier-general, out of the County, with an intention of making a permanent change of his residence, shall on such removal be deemed to have resigned his commission; and it shall be the duty of the commanding officer of the regiment, or extra battalion, to which he belonged, or the major general of his division, in case of such removal of a brigadier general, to make such vacancy known to the governor and council as soon thereafter as conveniently may be; and in case of neglect or refusal to comply with the provisions of this section, the said commanding officer shall be fined in a sum not exceeding fifty dollars, in the discretion of such court-martial as the case may require.

Militia-men not
to remove with-
out giving notice
to their officers.

45. *And be it enacted*, That if any militia man shall remove out of the district in which he was originally enrolled, into another district, or shall become a member of an uniformed volunteer company, he shall be subject to all the fines and forfeitures which shall be incurred in the district where first enrolled, until he produces to the commanding officer of the said district a certificate from the commanding officer of the district into which he shall have so removed, or from the commanding officer of said volunteer company, stating that he has been enrolled in said district or volunteer company; and no person shall be permitted to leave his company, except in the cases aforesaid, or unless he shall remove out of the limits of the said brigades, or unless commissioned in some other corps, without the consent of his commanding officer, under a penalty not exceeding twenty dollars, in the discretion of such court-martial as the case may require.

Penalty.

To whom officers
shall resign.

46. *And be it enacted*, That all resignations of company and regimental and extra battalion staff officers, shall be made through their commanding officers of regiments or extra battalion, as the case may be; and all resignations of commanding officers of regiments, battalions, and extra battalions, and brigade staff officers, through their respective brigadier generals, and at least sixty days prior to the regular field days, except in the case of removal, and that otherwise no officer shall be considered as having resigned; which officers shall, within ten days after receiving such resignation, transmit a notification thereof to the governor and council, under a penalty not exceeding twenty dollars, in the discretion of such court-martial as the case may require.

47. *And be it enacted*, That no person shall be commissioned under this act unless he shall be a citizen of the United States, and of this state; and each commissioned officer already appointed, and having accepted such appointment, who may have neglected to take the oaths required of him, or to have them endorsed on his commission, shall forthwith take the several oaths prescribed by the constitution of this state, and also take the following oath, or affirmation: "I, A. B. do swear or affirm, as the case may be, that I will be true and faithful to the state of Maryland, and that I will diligently and faithfully do and perform the several duties assigned to me, as in the militia of the state of Maryland, according to the best of my skill and abilities; so help me God;" and a certificate of his having done so shall be endorsed on the commission by the person who may have administered such oaths. And all officers hereafter commissioned shall take the like oaths, and have the like certificate thereof endorsed on their commissions, which they shall report in writing, if field and brigade staff officers, to their respective brigadier generals, and if company and regimental and extra battalion staff officers, to the commanding officers of their respective regiments and extra battalions, previous to their entering on any of their respective duties; and if any officer shall neglect or refuse to comply with the provisions of this section, he shall be liable to be cashiered by such court-martial as the case may require.

Commissioned officers must be citizens, and take the oaths, &c.

Report of having qualified to commissions.

48. *And be it enacted*, That no commissioned officer, charged with any violation of this act, for which he might be cashiered, shall be suffered to do duty in the brigade, regiment, extra battalion, or company, to which he belongs, nor to resign his commission whilst under such charge, until he has had his trial by a court-martial; and every person so charged, shall be tried as soon as a court-martial can conveniently be assembled, and shall be furnished by his brigade inspector, adjutant of his regiment, or other person, as the case may require, with a copy of the charges exhibited against him, at least ten days before his trial; and in case any delinquent, being duly notified of the time and place of meeting of any such court-martial, who shall refuse or neglect to attend, the said court-martial is authorised and empowered to proceed to the trial of such delinquent, in the same manner as if he were personally present.

Officers not to do duty while under arrest. Nor to resign till tried.—

To be furnished with charges.

49. *And be it enacted*, That the commanding officer of each regiment and extra battalion shall, under a penalty not exceeding fifty dollars, to be imposed by such court-martial as the case may require, notify, in writing, the brigade inspector of his brigade, or cause such notice to be left at his residence, of the place for his regimental or extra battalion parade, as established by this act, at least three days previous thereto; and it shall be the duty of the brigade inspectors respectively, to attend said meetings, and inspect the said regiments and extra battalion; or if prevented from attending by sickness, or some such sufficient excuse, other than business, he shall appoint such officer of the brigade as will execute said duties; and for the purpose of making the return herein after directed, the commanding officer of each regiment and extra battalion shall, within ten days after such inspection, make return to the said inspector of all arms and accoutrements, the property of the state, designating such as are fit for service, and also of all

Written notices of the place of parade, to be given to the brigade major.

Brig. Insp. must attend to inspect, &c.

Commander to make returns of arms, &c.

- private arms and accoutrements, and the companies and corps by which they are held, and the commanding officers of companies shall make such reports as the commanding officers aforesaid may require for said purpose; and the said brigade inspectors shall respectively, on or before the first day of December thereafter, make a consolidated return thereof to the adjutant general of the state; and the said inspectors shall respectively attend the brigadier generals, when required, to receive and execute all orders necessary to carry into effect the provisions of this act; and if any officer shall neglect or refuse to execute any of the duties herein prescribed, he shall be fined not exceeding one hundred dollars, in the discretion of such court-martial as the case may require.
- Company reports.** *50. And be it enacted,* That it shall be the duty of the adjutant of each regiment, and extra battalion, to attend all meetings as directed by this act, and execute the orders of the commanding officers, necessary to carry into effect the provisions thereof, and upon refusal or neglect, to be subject to a fine not exceeding fifty dollars, in the discretion of such court-martial as the case may require.
- Brigade inspectors to make returns,—and attend to other duties.** *51. And be it enacted,* That the same number of staff-officers shall be commissioned by the governor and council, for an extra battalion, as heretofore authorised for a regiment.
- Extra battalion staff.** *52. And be it enacted,* That the militia on any day of exercise, as established by this act, may be detained under arms in the field any time not exceeding six hours, provided they are not kept above three hours under arms at any one time without allowing them proper time to refresh themselves.
- Militia may be kept under arms six hours.** *53. And be it enacted,* That no officer, non-commissioned officer or private, of the militia, in his attendance at, going to, or returning from, muster, shall be subject to arrest for any civil matter, nor shall his military equipments be subject to distress, attachment, or execution for debt.
- Not to be arrested for a civil matter, &c.** *54. And be it enacted,* That if any officer, non-commissioned officer, or private, who may have provided himself with uniform and arms, or who hath been uniformed in pursuance of the provisions of this act, or who hath received arms the property of the state, shall appear on parade at any of said meetings without said arms and uniform, he shall be fined a sum not exceeding twenty dollars, in the discretion of such court-martial as the case may require.
- Penalty for not appearing properly equipt.** *55. And be it enacted,* That it shall be the duty of the commanding officer of each company district, before the first day of October in each year, to make return in writing, on oath, of all Quakers, Menonists, Tunkers, and persons conscientiously scrupulous of bearing arms, exempt from militia duty under the provisions of this act, to the commanding officer of the regiment or extra battalion to which he belongs, under a penalty not exceeding twenty dollars, to be imposed by such court-martial as the case may require, for every neglect or refusal so to do; and it shall be the duty of the commanding officers of each regiment and extra battalion, on or before the last day of December in each year, to cause two lists of all such persons, and of the sums of money by them respectively payable, as a consideration for their exemption from militia duty, to be made out under his hand, one of the said lists to be retained by himself, and the other to be delivered to the collector of his regi-
- Returns to be made of persons conscientiously scrupulous.**
- Fines to be collected from them,—according to the act of 1811.**
- See appendix.*

ment or extra battalion, who shall collect and pay over the same, in the same manner, and upon such conditions, as other fines and forfeitures under this act; and either of said commanding officers, neglecting or refusing to comply with the provisions of this section, shall be fined not exceeding fifty dollars, in the discretion of such court-martial as the case may require.

56. *And be it enacted*, That if any officer or private shall think himself injured by the commanding officer of his regiment or extra battalion, and shall, upon due application made to such commanding officer, be refused redress, he may complain to the brigadier general of his brigade, who on finding that the person complained of has violated this law, shall order such court-martial as the case may require for the trial of such offence, which said court may punish the offender by cashiering, reprimanding, suspending, or fining not exceeding fifty dollars, in their discretion; and if any non-commissioned officer or private shall think himself injured by his captain or other superior officer of the regiment, extra battalion, or company, to which he belongs, he may complain to the commanding officer of the regiment, or extra battalion, who shall order such court-martial as the case may require for the trial of such offence, which said court may punish the offender by cashiering, reprimanding, suspending, or fining not exceeding fifty dollars, in their discretion; and if any officer shall neglect or refuse to comply with the provisions of this section, he shall be fined not exceeding one hundred dollars, in the discretion of such court-martial as the case may require.

Officers, non-commissioned officers and privates, considering themselves injured by a superior officer, may complain.

57. *And be it enacted*, That before any paymaster shall act as such, he shall give bond and security to the state of Maryland, to be approved by the commanding officer of the regiment, or extra battalion, as the case may be, to which he belongs, in the penal sum of two thousand dollars, conditioned that he shall, when required so to do, submit to the commanding officer of his regiment, or extra battalion, as the case may be, a full and fair statement of his accounts as paymaster as aforesaid, and pay over all balances remaining in his hands, when demanded by his successor in office, and in all things faithfully discharge the duties of his office.

Pay-masters to give bond.

Paymaster's duty

58. *And be it enacted*, That all money hereby directed to be paid into the hands of the paymasters of the several regiments, and extra battalions, shall be appropriated and applied by the commanding officer of each regiment, and extra battalion, to the purposes of providing music, and of the proper and safe keeping of the arms and accoutrements, and of defraying such other necessary expenses as the said officers shall deem requisite for their respective regiments or extra battalions; and if at any time there should be such surplus funds, as in the opinion of any of the said officers will uniform his regiment, or extra battalion, the same shall be done under his direction and superintendence; and no money shall be drawn from the paymasters of the regiments, or extra battalions, except by a written order from the said commanding officers respectively, who shall always state the purpose for which it is done.

Expenditure of money.

How to be drawn.

59. *And be it enacted*, That the necessary expenses of each of the said brigades accruing under the provisions of this act, shall be paid in equal portions by the regiments, and extra battalion, composing the same, by written orders from the several commanding officers on their respective paymasters.

Brigade expenses to be paid by the regiments.

Brevet officers may be appointed,—Governour and Council to be notified. 60. *And be it enacted,* That in case of the death, resignation or disqualification of any company officer, the commanding officer of the regiment, or extra battalion, to which such officer may have belonged, may appoint a fit and proper person as a brevet officer, and shall immediately thereafter notify the governor and council of the same; and such brevet officer shall have and exercise all the powers incident to his office, in as full and ample a manner as if he was commissioned, until he shall be superseded by a commissioned officer.

Bands of music may be organized, and musicians enrolled. 61. *And be it enacted,* That it shall and may be lawful for the commanding officers of each regiment, or extra battalion, to form and organize a band of musicians for their respective regiments, or extra battalion, and that each and every person belonging to said organized band of musicians, shall be under the command and direction of the said commanding officer, and shall perform the duty of musicians in said regiment, or extra battalion, instead of serving as privates therein; and in all meetings as directed by this act, the commanding officer as aforesaid shall cause the names of said musicians to be called over, and a list of absentees to be returned to him, within three days thereafter, which shall, in like manner, and at the same time, be handed over to the court-martial for the trial of non-commissioned officers and privates as absentees from parade; and in case any of them should neglect or refuse to appear at such meetings, when warned, with their instruments of music, they shall be liable to such fines and penalties, to be imposed, collected and distributed, in the same manner as is provided for in the case of non-commissioned officers and privates.

Subject to fines if they do not attend parades.

Regulations for calling out militia, in case of invasion, or insurrection. 62. *And be it enacted,* That in case of an invasion, or threatened invasion, of Baltimore county, or any part of the limits of the city of Baltimore, the brigadier generals, and commanding officers of regiments or extra battalions, or squadrons of the said brigades, shall have full power to order out the militia belonging to their respective districts or commands, or any part thereof; and it shall be the duty of any such officer to give notice of such invasion or threatened invasion, with every circumstance attending the same, as early as possible to their immediate commanding officer, by whom such information shall be transmitted with the utmost expedition to the commander in chief of this state; and in such cases it shall be the duty of the commanding officer of the regiment, battalion, extra battalion, or squadron, within the limits aforesaid, to assemble his regiment, battalion, extra battalion, or squadron, or such part thereof as he may deem necessary, and take such measures as he may deem requisite for the public defence and protection of the state, until the orders of the commanding officer of the brigade to which he belongs shall be by him received; and it shall be the duty of the commanding officer of the said brigade, immediately upon receiving such information, to communicate it to the major general commanding the division, and to give such orders, and if necessary such aid from his brigade, by causing detachments therefrom as aforesaid, as in his judgment shall be required, until the orders of the major general can be received; and to transmit information of what he shall so have done in the premises to the commander in chief, and to the major general aforesaid, without delay: and the militia shall be ordered out as aforesaid for the suppressing or preventing of

an insurrection, or opposition to the laws, within the limits of the city aforesaid, when the mayor of said city, or chief justice of the Baltimore city court, or chief justice of Baltimore county court, shall in writing require it, and therein declare that he has good reason to believe that the peace and quiet of the state is likely to be endangered by an insurrection or opposition to the laws, and that military aid is necessary to suppress or prevent the same: and if any officer shall neglect or refuse to give such information as is required of them by this section, or shall neglect or refuse to order out the militia under his command, or such part thereof as he may be ordered or required to order out, as provided for in this section, or when so called out shall neglect or refuse to discharge the duties required of them in pursuance of the provisions of this section, every such officer shall be liable to be cashiered, and fined not exceeding five hundred dollars, in the discretion of such court-martial as the case may require: and if any non-commissioned officer or private shall neglect or refuse to obey any order given by his superior officer, in pursuance of the provisions of this section, such non-commissioned officer or private, shall be liable to be fined, not exceeding one hundred dollars, in the discretion of such court-martial as the case may require; and in the cases provided for in the foregoing section, the commanding officer of the brigade shall have full power and authority to take such measures for issuing and transporting such supplies and orders within his brigade, as he may deem requisite, until the orders of the commander in chief shall be known.

Who may call on the militia.

Penalty for neglect or refusal.

63. *And be it enacted*, That for the better preservation of the publick arms in said brigades, it shall be the duty of every commanding officer of a company to report in March next, to the commanding officer of the regiment or extra-battalion, to which they are attached, the number of arms and accoutrements, publick or private, in their respective companies, designating such as belong to the state; and the field officers of regiments or extra-battalions shall, on or before the first day of May next, give bond, with security, to the state, to be approved by the governour and council, for the safe keeping of the arms and accoutrements belonging to the state, held by their respective regiments or extra battalions, and for the return of the same when required by the state; and thereupon the bonds heretofore given for such arms or accoutrements shall be cancelled; and when such publick arms or accoutrements shall be left in the hands of any company, by the field officers of the regiments or extra-battalion to which such company belongs, the commissioned officers thereof shall give the like bonds to the commanding officer of the regiment or extra battalion, to which such company is attached, to be by them respectively approved; and the commanding officer of such company shall take from each member receiving such arms or accoutrements, a receipt for the same, in a book to be kept for that purpose, thereby engaging to keep such arms and accoutrements in good order, and to return them when required by the state, or when such persons shall cease to be a member of the company, and in default thereof he shall pay their full value, as may be fixed by law, for arms lost,* to be recovered as fines are directed under this act, under the direction of the commanding officer of

Publick arms.

Bonds to be given by field officers.

Old bonds to be cancelled.

Company officers to give bonds, & take receipts for arms.

* See Note, p. 23.

Officers cashier-
ed for neglect, &
privates fined.

Governour and
Council author-
ised to loan arms
and accoutre-
ments.

Field and com-
pany officers
newly commis-
sioned must give
bonds for arms,
in order to can-
cel the old bonds.

Penalty for not
keeping arms,
&c. in order.

said company, and when received, paid over to the paymaster of his regiment or extra battalion, for the purpose of replacing such arms or accoutrements; and if any officer shall refuse or neglect to comply with the provisions of this section, he shall be cashiered, and if any private shall refuse or neglect to give such receipt, he shall be fined not exceeding twenty dollars, in the discretion of such court-martial as the cases may require. And the governour and council are hereby authorised to loan to the said brigades, such of the publick arms and accoutrements as may be hereafter wanted therein, upon bond and security being given for the same, in the manner herein before provided, by the field officers of the regiment or extra battalion, for whose use they may be loaned; and if such arms are distributed to companies, it shall be done upon the like terms, and under the like penalties, as are herein before provided; and when any field officer, who hath given bond as aforesaid, shall resign, or otherwise quit his command, he shall be released from such bond, upon a new one being given, and approved as aforesaid, by his successor, and other field officers of the regiment or extra battalion, as the case may be, which new bond, they are hereby required to give within one month after such successor's acceptance of his commission; provided it shall appear by returns from the quarter master, or commanding officers of companies, (which either of the said officers who are to give such bond are authorised to require, and shall under pain of being cashiered be forthwith made) that such arms and accoutrements are then in the regiment or extra battalion, as the case may be; and thereupon the officer failing to give such new bond shall be liable to be cashiered, by such court-martial as the case may require; and when any company officer who hath given bond as herein before provided, shall quit his company, he shall be released from his bond, upon a new one being given and approved as herein before provided, to the commanding officer of the regiment, or extra battalion, by his successor, with the other commissioned officers of the company, which bond shall be given within ten days after such successor's acceptance of his commission; provided it shall appear by the receipts taken as aforesaid, that such arms and accoutrements are then held by such company; and thereupon the officer failing to give such new bond, shall be liable to be cashiered, by such court-martial as the case may require; and such new bonds shall, under the like penalties, be given by the officers aforesaid, if it shall afterwards appear, as before provided, that such arms and accoutrements are in the regiment or extra battalion, or are held by the company, as the case may be, or for such part thereof as may so appear to be in the regiment, extra battalion or company, for which part a release shall be given by endorsement on the bond previously given for the same; and the non-commissioned officers and privates of each company, in whose hands such arms or accoutrements shall be left as aforesaid shall, for suffering the same, or any part thereof, to be out of order, be liable to be fined not exceeding ten dollars, in the discretion of such court-martial as the case may require; and the commanding officer of such company shall, under the like penalty, to be imposed in the discretion of such court-martial as the case may require, at every parade, examine the condition of such arms and accoutrements, and

report all violations of this provision to such court-martial as he shall appoint for the purpose.

64. *And be it enacted*, That the commanding officers of regiments and extra battalions are hereby authorised to provide and establish some secure and convenient place of deposit for the publick arms and accoutrements belonging to their respective regiments or extra battalions, and they are empowered, if they shall deem it necessary and proper, to order the publick arms in their several regiments, or extra battalions, to be returned to such place of deposit after each and every parade, and to order their respective quarter masters to take the charge of such places of deposit, and the arms and accoutrements therein, whose duty it shall be to attend to the receipt and delivery of such arms and accoutrements, when required to be used under the provisions of this act, and to keep the same in good order; the expenses whereof, to be approved by the said commanding officers respectively, shall be paid out of the fines of their respective regiments, or extra battalions; and if any quarter master shall neglect the duties required of him by this section, he shall be liable to be cashiered, or fined not exceeding one hundred dollars, in the discretion of such court-martial as the case may require; and if any non commissioned officer or private shall refuse or neglect to return the arms and accoutrements to such place of deposit, when so ordered by his commanding officers, he shall be fined not exceeding ten dollars, in the discretion of such court-martial as the case may require.

Deposite for arms to be established.

Quarter-masters to take charge of armories, &c. &c. & attend to the receipt and delivery of arms.

Penalty for not returning arms.

65. *And be it enacted*, That if any person shall, within the limits of said brigades sell or buy, (unless by the authority of the state) any of the publick arms or accoutrements belonging to the state, or give or receive the same in pledge, barter, or as a gift, knowing the same to be publick, or shall injure or destroy such arms or accoutrements, or use the same for any other than military purposes, or shall carry or convey them out of the limits of said brigades, except when on duty, such person shall, for every such offence, forfeit and pay ten dollars; and if such arms or accoutrements shall by any of the means aforesaid be rendered useless or become lost, such person shall also forfeit and pay the full value thereof as fixed by the state* for arms and accoutrements lost; and such forfeitures shall be recovered at the instance of any commissioned officer of the brigade to which he belongs, and paid to the paymaster of his regiment or extra battalion; the aforesaid value to be accounted for to the corps, when ascertained, to which such arms or accoutrements belonged, for the purpose of replacing them.

Publick arms & accoutrements, not to be bought, sold, or improperly used.

66. *And be it enacted*, That whenever any of the publick arms or accoutrements shall, within the limits of said brigades, be found in the possession of any person, (except as authorised by this act) the same may be demanded by any commissioned officer, and if refused to be delivered up, on proof of such demand and refusal before any justice of the peace, such justice shall, at the instance of such officer, by warrant in the name of the state, cause the person to be brought before him, and examine into the facts; and upon its appearing to such justice that the arms or accoutrements, so claimed, belong to the state, he shall order

Publick arms, &c. to be delivered to any commissioned officer.

* By the act of 1811, sec. 27. fifteen dollars is required for arms and accoutrements lost or refused to be given up.

Penalty for neglect.

System of discipline to be observed.

Judge advocate may be appointed.

Fines to be recovered as other debts, and paid over, &c.

Sentence of courts-martial conclusive evidence of fines.

Cavalry subject to the several penalties of this act.

Cavalry fines appropriated.

First marine Artillery.

Attached to the 3d brigade.

them to be delivered to such officer, and the person holding them to pay costs, and may, if necessary, commit such person to prison, until such order be complied with; if he shall decide otherwise, such officer shall pay costs, which shall be reimbursed out of the fines of the regiment, or extra battalion, to which he is attached, and the arms or accoutrements so recovered shall be held by such regiment, or extra battalion, to be delivered over to the corps, when ascertained to which they belong.

67. *And be it enacted*, That the system of tactics, training and discipline, adopted, or which may hereafter be adopted by congress, for the United States army, shall be used and observed throughout the said brigades; and if any officer shall neglect or refuse to use, practice and enforce such system, in part of the disciplining and training the militia under his command, he shall be deemed guilty of disobedience of orders, and proceeded against as the case may require.

68. *And be it enacted*, That the officer appointing any court-martial under this act, may, if he deem it necessary, appoint a judge advocate to such court, who shall have and exercise the powers and duties incident to such appointment.

69. *And be it enacted*, That all fines imposed by this act, or arising from any of its provisions, or from the by-laws of any company, made in pursuance of the same, shall be recovered in the name of the state, in the like manner, and before the same persons, as small debts are by law recovered, and when collected shall be paid over to the persons by this act authorised to receive the same, and the copy of the sentence of any court-martial imposing fines, certified by the president of such court, shall be conclusive evidence that the fines therein stated, have been incurred.

70. *And be it enacted*, That the several provisions of this act for enforcing attendance at parades, obedience to orders, or requisitions of the civil authority, and reports to be made of men and arms, and the restraining improper or disorderly conduct in officers or others, the preservation of arms belonging to the state, the enforcing of penalties under company by-laws, and collection of fines, shall prevail and be enforced in the cavalry attached to the third brigade, in the like manner as with other militia thereof; but the fines incurred by company officers and privates, shall be applied, under the direction of the commanding officers, to the uses of the company to which they belong, and when collected, shall be paid over to such person as the commanding officers of the company shall appoint; and all other fines shall, when collected, be paid over to the paymaster of the regiment, and applied to regimental purposes, under the direction of the commanding officer thereof.

71. *And be it enacted*, That the artillery company in the city of Baltimore, called, The First Marine Artillery of the Union, commanded by Captain George Stiles, and composed of masters and mates of vessels, sea faring people, not liable to militia duty, shall be and hereby is confirmed and continued as an independent company, to be attached to the third brigade, with power to pass and enforce by-laws and regulations for enforcing discipline and the attendance of its members, the election of officers, times and places of meeting for training, the purchase, repair, and safe keeping of arms, guns, ammunition

and equipments, and the collection of fines; provided, that no persons but the masters and mates of vessels, belonging to the city of Baltimore, or persons not liable to militia duty, shall be members of the said company, and that the said company shall not be liable to militia duty, except when it shall be called into actual service by the president of the United States, the officer commanding the third division, or the officer commanding the third brigade of the militia of this state, in the cases where by the constitution and laws of the United States, or of this state, the said president or officers shall be respectively authorised to call out for actual service the militia composing the said third brigade.

72. *And be it enacted*, That the said company shall consist of any number of persons of the descriptions mentioned in the preceding section, or any of them; and that the governor and council shall from time to time commission the usual officers for the said company, as vacancies may occur; provided that no such commission shall be granted to any person not previously recommended by the said company.

73. *And be it enacted*, That if any suit or action shall be brought or commenced against any person or persons for any thing done in the execution of the provisions of this act, the defendant or defendants may plead the general issue, and give this act and the special matter in evidence.

74. *And be it enacted*, That all such provisions of the several militia laws of this state, as shall be found repugnant to, or inconsistent with, the provisions of this act, shall cease to have effect within the limits of the said brigades, provided however, that whenever the militia of said brigades or any part thereof, shall be called into actual service, they shall in all respects be subject to the like regulation and orders as other militia of this state.*

75. *And be it enacted*, That nothing in this act shall be taken or construed to extend to any part of the militia of this state, except the third and fourteenth brigades aforesaid.

Examined with the original, and found correct.

JOHN W. BORDLEY, *Clerk*,
GILBERT SMITH, *Clerk*.

True Copy,

LEWIS GASSAWAY,

Clerk of the House of Delegates;

APPENDIX.

*Containing, extracts from the Militia Law, passed at
November session, 1811.*

Who shall be subject to perform militia duty, and who shall be exempt—enrollment, &c.

SECTION 1. *BE IT ENACTED* by the General Assembly of Maryland, That all able bodied white male citizens, between eighteen and forty-five years of age, residents in this state, except the vice-president of the United States, the officers judicial and executive of the government of the United States; the members of both houses of congress, and their respective officers; the members of the executive council and their clerks; the chancellor, the judges of the county courts, and the clerks of those courts; the judges of the court of oyer and terminer and jail delivery, of Baltimore county, and the clerk of that court; the register of wills of the different counties of this state; the register in chancery; the registers of the land-office of the Eastern and Western Shore; and clerks of the court of appeals, and the members of the legislature of the state, and their clerks, whilst in session; the professors and masters of all colleges and public schools; school-masters and practising physicians; all custom-house officers, with their clerks; all post-officers and stage drivers, who are employed in the care and conveyance of the mail of the post-office of the United States; all ferrymen employed at any ferry on the post road; all inspectors of exports; all pilots; all mariners actually employed in the sea service of any citizen or merchant within the United States; all mariners actually engaged in the coasting trade from one state to another; the treasurers of the Western and Eastern Shore, and auditor; and also, all ministers of the gospel, regularly ordained, licensed or recognised by any religious society; all quakers, menonists, tinkers, and persons conscientiously scrupulous of bearing arms, shall be subject to do militia duty under this act; *Provided*, That no person shall be exempted from militia duty, on account of conscientious scruples, who shall not produce to the captain or commanding officer of the district where he resides, a certificate from a licensed preacher of the gospel, or signed by the proper officer of the religious society, to which such person may belong, (except where no such society shall exist, that recourse may be had to,) in substance as follows, to wit: “I the subscriber, of the meeting or society of in the county of hereby certify that I verily do believe that from his exemplary deportment, and uniform declarations; and from his frequently and usually attending with said society for public worship, is conscientiously scrupulous of bearing arms.” And it shall at all times hereafter be the duty of every captain or commanding officer of a company, to enrol every able bodied white male citizen, between eighteen and forty-five years of age; and also, all those who shall from time to time arrive at the age of eighteen years, &c.

Proviso.

APPENDIX.

SEC. 12. *And be it enacted*, That each Quaker, Menonist, Tunker, or person conscientiously scrupulous of bearing arms, between eighteen and forty-five years of age, and all other persons exempt under this act, (except such as are exempt under the act of congress, and except ministers of the gospel,) shall be exempt from militia duty, according to the provisions of this act (except when called into actual service) on the payment of *three dollars annually*. Quakers, &c.
exempted on
paying a fine.

SEC. 18. *And be it enacted*, That all able bodied male white persons, in this state between eighteen and forty-five years of age, shall stand their draught (except as herein excepted; *Provided*, That Quakers, Menonists, Tunkers and persons conscientiously scrupulous of bearing arms, are not to be exempt by virtue of this exemption from standing their draught;) and when any part or parts of the militia shall be draughted, or called out of the state into actual service, every person liable to draught as aforesaid, who is not a commissioned officer, shall have it in his choice, either to serve in person, or to find a sufficient person for a substitute, which said substitute shall be approved of by the commanding officer of the regiment or extra battalion (as the case may be) to which he shall belong; but if any person not being disabled by sickness, shall neglect or refuse to serve, or find such sufficient substitute in his place within ten days after notice given to him, the commanding officer of the regiment or extra battalion (as the case may be,) to which such delinquent belongs, shall, and he is hereby required to provide, hire or procure on as reasonable terms as may be, a substitute for such person so refusing or neglecting; and to charge such sum or sums, together with reasonable expenses for procuring the same, to such delinquent, to be recovered by distress and sale of his goods and chattels, lands or tenements, by warrant under his hand, directed to the sheriff of the county where such person resides; and in all cases where it shall be necessary to recover any fine or forfeiture or other money where-with any person or persons may become chargeable under, and by virtue of this clause by distress and sale, or execution of the property of such person or persons, it is hereby declared to be the duty of the sheriff or person executing for the same, to take such property as shall be offered or shewn to such sheriff or person executing, amounting to such debt and costs; and if no property shall be shewn or offered, such sheriff or person executing shall not take in execution any negro, or other valuable property to satisfy a small or trifling fine or sum, if property of small value can be found; but he shall take such property if any can be found, as will pay the sum due, with the costs of levying the same, as nearly as may be and no more; any person offending herein shall forfeit and pay treble the sum so levied, to be recovered by the party grieved by indictment or action of debt in the county court where the offence shall have been committed; *Provided*, That no commanding officer of the regiment or extra battalion (as the case may be) shall be obliged to provide a substitute for any delinquent unless he is of opinion that such delinquent has sufficient property to pay the expenses of procuring a substitute: *Provided also*, That no militia-man, having personally or by substitute served in the militia, shall be obliged to serve again until by rotation, it comes to his turn. Draughts, sub-
stitutes, &c.
Proviso.

SEC. 20. *And be it enacted*, That no person serving as a substitute for another, shall thereby be excused from standing a draught himself. Persons serving
as substitutes.

SEC. 31. *And be it enacted*, That when the whole or any part of the militia of this state shall be ordered into actual service, they shall be subject to the rules and regulations of the articles of war, and be entitled to the same pay and rations as troops in the service of the United States are entitled to receive. Militia subject
to the articles of
war when called
into actual ser-
vice.
Their pay, &c.

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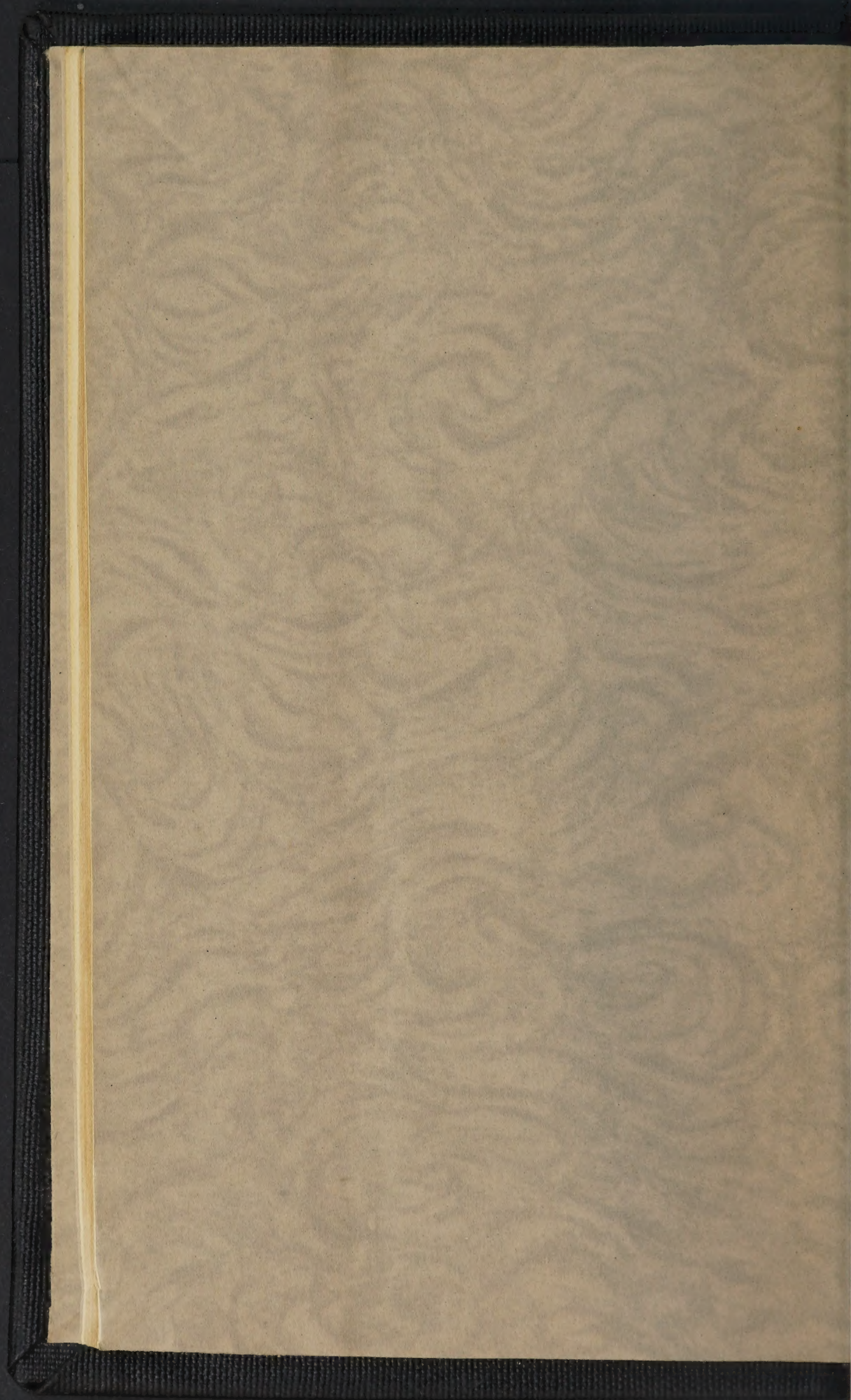
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